

REPORT ON INFORMATION COLLECTED CONCERNING APPLICANT

Under section 60835 of title 2 of the California Code of Regulations, the Bureau of State Audits is responsible for collecting information concerning applicants for the Citizens Redistricting Commission that is needed by the Applicant Review Panel to perform its responsibilities. This is a report by Bureau staff in compliance with that responsibility.

Name of Applicant: Peter Sunway Yao.

Information Regarding Applicant's Service on the Claremont City Council: As reported by Applicant in the "Employment History" section of his supplemental application, Applicant currently is serving as an elected member of the Claremont City Council. The Voters FIRST Act provides, at California Constitution, article XXI, section 2, subdivision (c)(6), that a member of the Citizens Redistricting Commission shall be ineligible, for a period of ten years beginning from the date of appointment, to hold elective public office at the city level in California. As defined by California Code of Regulations, title 2, section 60815.1, subdivision (c), the term "elective public office at the city level" includes membership on a city council. As such, Applicant would be required to resign from his position as a member of the Claremont City Council if he is appointed to serve as a member of the Commission.

Other information: In his second essay answer on his supplemental application regarding his ability to be impartial, Applicant stated that he has "had the opportunity to establish relationships with elected officials at the State and Federal levels." Similarly, in his third essay answer on his supplemental application regarding his appreciation for California's diverse demographics and geography, Applicant stated that he has "met and worked with elected officials throughout the state, most specifically on college town issues" and that he has "personal relationships with mayors, council members, and city managers throughout California." Staff asked Applicant to discuss these relationships. Applicant responded that as Mayor of Claremont between 2003 and 2007, and as a member of the City Council since 2003, he has met with several elected officials. Specific names he recalled were: Republican Representative David Drier, Democratic Representative Adam Schiff, Democratic Representative Judy Chu, and Los Angeles County Supervisor Michael D. Antonovich. Staff research found internet references to Applicant working with these officials in a bi-partisan effort to obtain federal funding for a light rail extension in Los Angeles County called the "Metro Gold Line Foothill Extension." Staff asked Applicant if he has any personal relations with the above-named or other elected officials. Applicant replied that his contacts with the named officials were purely on a professional level, and that he does not have a personal relationship with any of them.

In the "Activities" section of his supplemental application, Applicant stated that he has "participated in the local, regional, state, and national level on wide ranging political, economical and representational issues." Staff asked Applicant what he meant by this reference. Applicant answered that this activity was related to his membership in the League of California Cities, an organization that advocates for economic improvement of member cities. Through that organization, he participated in meetings with representatives from cities nationwide.

Also in the "Activities" section of his supplemental application, Applicant talked about being involved with the Independent Cities Association (ICA), including currently serving as its President. According to its website, the ICA "educates and advocates for member cities in the Los Angeles region on shared issues to preserve and enhance local government." Staff research discovered that the ICA is registered with the California Secretary of State's Office as a "lobbyist employer" represented by Rice/Englander & Associates. Staff asked Applicant about ICA's activities as a "lobbyist employer." Applicant stated that ICA retained a lobbying firm only to provide updates to its governing board regarding "what's going on in Sacramento" on education issues. He stated that the ICA doesn't give the lobbyist any directions regarding lobbying. Applicant added that his term as ICA president ends in September 2010.

Additionally in the "Activities" section of his supplemental application, Applicant stated that he is involved with fund raising for political internships for young people. When asked by staff about his involvement with this activity, Applicant responded that this was an attempt to get more young people from the Asian community into summer internships at state legislators' offices. The program awards stipends of \$1,000 to each intern and is funded in collaboration with two organizations in which Applicant is active: the Chinese American Elected Officials and Asian Pacific Islander. Applicant added that a total of eight interns have been placed through the program. Applicant noted that he is not involved with selecting the state legislators for whom the interns serve, as the interns themselves identify the legislators with whom they wish to serve.

Staff contacted David V. Anderson, M.D., the author of one of Applicant's letters of recommendation, to confirm the information provided in the letter and receive any additional information that may be relevant. In his letter, Dr. Anderson alluded to his participation in Applicant's election campaigns. Staff asked him for more information about the campaigns, the issues, and the extent of his participation. Dr. Anderson replied that he was the campaign manager for Applicant's 2003 election. He said it was a "bi-partisan, across the board campaign" that was highly visible because, at the time, incumbent officials of the City of Claremont were under criticism for their handling of the death of an African-American who had been shot by two police officers during a traffic stop. According to Dr. Anderson, Mr. Yao's campaign focused on city officials being held accountable for their actions and on the rescission of the "Employee of the Year" awards the Claremont City Manager had bestowed upon the police officers involved in the shooting. According to Dr. Anderson, after the election, Applicant put all his efforts into fulfilling his campaign promises. Staff also asked Dr. Anderson if he could provide an example of Applicant's ability to be impartial. Dr. Anderson cited Applicant's support for an African-American as Claremont's Chief of Police. He added that Claremont repeatedly has been voted one of the best cities in the United States, partly because of its diversity, and that as a city council member, Applicant has contributed to a climate of inclusiveness.

Recommendation: None.

Name and Title of Person Submitting Report: Steven Benito Russo, Chief of Investigations

Report Date: September 18, 2010